

**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MASSACHUSETTS**

DONALD C. HUTCHINS,

Plaintiff,

Civil Action No. 04-30126-MAP

v.

CARDIAC SCIENCE, INC., ET AL.

Defendants.

**DEFENDANT'S MOTION TO VOLUNTARILY DISMISS DEFENDANT'S
COUNTERCLAIMS WITHOUT PREJUDICE**

COMES NOW Defendant Cardiac Science, Inc., hereby moving the Court to voluntarily dismiss Defendant's counterclaims without prejudice pursuant to FED.R.CIV.P. 41(c). In accordance with the Order of June 20, 2006 requesting a status update on Defendant's counterclaims, Defendant asks the Court to dismiss Defendant's counterclaims without prejudice.

Respectfully submitted,

**PATTERSON, THUENTE,
SKAAR & CHRISTENSEN, P.A.**

Dated: July 17, 2006

By:

s/ Randall T. Skaar

Randall T. Skaar (#165,013)
Scott G. Ulbrich (#305,947)
4800 IDS Center
80 South Eighth Street
Minneapolis, Minnesota 55402-2100
Tel: (612) 349-5740
Fax: (612) 349-9266
and

Paul H. Rothschild
BACON & WILSON P.C.
33 State Street
Springfield, Massachusetts 01103
Phone: (413) 781-0560
Fax: (413) 739-7740
ATTORNEYS FOR CARDIAC SCIENCE, INC.

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

DONALD C. HUTCHINS,

Plaintiff,

Civil Action No. 3:04-cv-30126 MAP

v.

CARDIAC SCIENCE, INC., ET AL.,

CERTIFICATE OF SERVICE

Defendants.

I hereby certify that on **July 17, 2006**, I caused the following documents:

1. Defendant Cardiac Science's Motion to Voluntarily Dismiss Defendant's Counterclaims Without Prejudice; and
2. Certificate of Service

to be filed electronically with the Clerk of Court through ECF, and that ECF will send an e-notice of the electronic filing to the following:

Mr. Paul H. Rothschild
Bacon & Wilson, P.C.
33 State Street
Springfield, MA 01103
prothschild@bacon-wilson.com

John J. Egan
Egan, Flanagan and Cohen, P.C.
67 Market Street
P.O. Box 9035
Springfield, MA 01102-9035
jjegan@eganflanagan.com

I further certify that on July 17, 2006 the following was served upon the below-named parties via United States Mail, postage prepaid:

Ms. Colleen M. O'Neil
Calfee, Halter & Griswold, LLP
1400 McDonald Investment Center
800 Superior Avenue
Cleveland, OH 44114-2688

Mr. Donald Hutchins
1047 Longmeadow Street
Longmeadow, MA 01106-2201

Respectfully submitted,

**PATTERSON, THUENTE,
SKAAR & CHRISTENSEN, P.A.**

Dated: July 17, 2006

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